

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

WILLIAM MCKOBY,

Plaintiff,

v.

JOSEPH R. BIDEN, JR.,

Defendant.

CASE NO. C22-1461JLR

ORDER DENYING MOTION  
FOR INTERLOCUTORY  
APPEAL

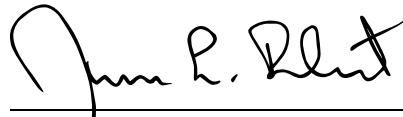
Before the court is Plaintiff William McKoby's motion for interlocutory appeal of the court's October 20, 2022 order dismissing Mr. McKoby's complaint without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(b) and granting him leave to file an amended complaint by November 7, 2022. (Mot. (Dkt. # 7); 10/20/22 Order (Dkt. # 6).) The court DENIES Mr. McKoby's motion.

Under 28 U.S.C. § 1292(b), a district court may certify for appeal "an order not otherwise appealable" in a civil action where it finds "that such order involves a controlling question of law as to which there is substantial ground for difference of

1 opinion and that an immediate appeal from the order may materially advance the ultimate  
2 termination of the litigation.” 28 U.S.C. § 1292(b). Interlocutory appeals are to be  
3 certified “only in exceptional situations” where certification will help “avoid protracted  
4 and expensive litigation.” *In re Cement Antitrust Litig. (MDL No. 296)*, 673 F.2d 1020,  
5 1026 (9th Cir. 1982); *Trident Seafoods Corp. v. Commonwealth Ins. Co.*, No.  
6 C10-0214RAJ, 2012 WL 13028551, at \*2 (W.D. Wash. Mar. 23, 2012).

7 Here, Mr. McKoby does not clearly state what controlling question of law he  
8 seeks to appeal, much less argue that there is a “substantial difference of opinion”  
9 regarding that question. (*See generally* Mot.) In addition, the court finds that an  
10 immediate appeal of its October 20, 2022 order would not materially advance this  
11 litigation. To the contrary, certifying an appeal of that order at this time would likely  
12 serve only to delay the resolution of this matter, rather than avoid protracted litigation.  
13 Accordingly, Mr. McKoby’s motion to file an interlocutory appeal (Dkt. # 7) is DENIED.

14 Dated this 28th day of October, 2022.

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17 JAMES L. ROBART  
United States District Judge  
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